IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31..8..2006

Coram

The Hon'ble Mr. Justice K.CHANDRU

W.P. No. 20672 of 2004

M/s Vasuki Transports
Rep. by its Managing Partner
V.Thangavel
12 Athi Krishnapuram
Karur .. Petitioner

vs.

1. P.Velusamy

2. The Regional Transport Authority
Karur District, Karur .. Respondents

Petition filed under Article 226 of the Constitution of India seeking for issue of writ of Mandamus for the reasons as stated therein.

For Petitioner : Mr.M.Palani
For Respondents : Mr.N.Gopalakrishnan for R1
Mr.V.R.Thangavelu, G.A,

O R D E R

The writ petition has been filed praying for issuance of writ of Mandamus to direct the second respondent to take action as against the first respondent's vehicle bearing Registration. No.47/2757, from plying his mini bus service on the part of the route of the petitioner from Madurai Road to Karur Bus Stand (via) Viapuri Nagar, Old RTO Office and Sengunthapuram cross which is permitted to ply on the route Vadackupalayam to Andankovilputhur (via) Moolakkattor, Sakthi Nagar,Gandhi Gramam, E.B.Colony, N.G.Gramam, Vetri Theatre, Arunachala Nagar, Pasuvai, Five Road, Market, Railway Junction, Pugalur Road, Church Cornor, G.A. Jawahar Bazar, Kamaraj Salai, Kamarajapuram, Sengunthapuram 5th Cross, Salem Main Road, Byepass and Muniappan Kovil.

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2. The writ petitioner is the existing route operator and he is aggrieved about the conduct of the first respondent, who is a mini bus operator, as he was entering into the route permitted in favour of the petitioner. The writ petitioner has submitted a representation dated 22.7.2002 followed by further representation dated 27.01.2004 to the second respondent Regional Transport Port Authority, Karur.

3. Mr.M.Palani, learned counsel appearing for the petitioner, submits that due to non-consideration of his representation by the second respondent, he was put to heavy loss and the authorities may be directed to consider his representation.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the records.

5. The Writ Petition has been admitted on 26.8.2004 and interim injunction was also granted in W.P.M.P.No.24889 of 2004 and the same is still in force. The first respondent was served by the writ petitioner and he has not chosen to file counter affidavit nor took any steps to vacate the interim injunction. Under these circumstances, with the consent of the parties, the main writ petition itself is taken up for hearing.

6. When a representation is made by the existing route operator complaining that there is a curtailment of route by another rival operator or by person holding licence, it is incumbent upon the second respondent authority to enquire into the grievance and take appropriate steps to protect the rights of the person, who complains violation of his rights to operate.

7. Under these circumstances, the second respondent is directed to consider the representation made by the writ petitioner dated 22.7.2002, followed by another representation dated 27.01.2004, and dispose of the same on merits and in accordance with law within a period of four weeks from this date. Since the complaint is made against the first respondent, it is needless to say that when the second respondent hears the matter, he shall issue notice to the first respondent and consider his objections before passing final order. In view of the fact that the interim injunction ordered in W.P.M.P.No.24889 of 2004 is still in operation for the last two years, the same condition shall continue for one more month or until the disposal of the representation of the writ petitioner by the authorities, whichever is earlier.

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8. The writ petition is ordered to the extent indicated above. However, there will be no order as to cost. Consequently, W.P.M.P.No.24889 of 2004 shall stand closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gri

To

The Regional Transport Authority
Karur District, Karur

1 cc To Mr.M.Palani, Advocate, SR.39818.
1 cc To Mr.N.Gopalakrishnan, Advocate, SR.39861.
1 cc To The Government Pleader, SR.39778.

W.P. No.20672 of 2004

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RVL 12.09.2006

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